

07/03/00
15761 U.S. PTO

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PTO/SB/05 (4/98)
Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))	Attorney Docket No.	285-118
	First Inventor or Application Identifier	Todd M. Boyce et al.
	Title	OSTEOGENIC IMPLANTS DERIVED FROM BONE
	Express Mail Label No.	

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> * Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)	5. <input type="checkbox"/> Microfiche Computer Program (Appendix)
2. <input checked="" type="checkbox"/> Specification [Total Pages 48] (preferred arrangement set forth below) <ul style="list-style-type: none">- Descriptive title of the invention- Cross References to Related Applications- Statement Regarding Fed sponsored R & D- Reference to Microfiche Appendix- Background of the invention- Brief Summary of the invention- Brief Description of the Drawings (if filed)- Detailed Description- Claim(s)- Abstract of the Disclosure	6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) <ul style="list-style-type: none">a. <input type="checkbox"/> Computer Readable Copyb. <input type="checkbox"/> Paper Copy (identical to computer copy)c. <input type="checkbox"/> Statement verifying identity of above copies
3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 2]	ACCOMPANYING APPLICATION PARTS
4. Oath or Declaration [Total Pages] <ul style="list-style-type: none">a. <input type="checkbox"/> Newly executed (original or copy)b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) (for continuation/divisional with Box 16 completed)<ul style="list-style-type: none">i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).	7. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))
	8. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement of Power of Attorney (when there is an assignee)
	9. <input type="checkbox"/> English Translation Document (if applicable)
	10. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
	11. <input type="checkbox"/> Preliminary Amendment
	12. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
	13. <input checked="" type="checkbox"/> * Small Entity Statement(s) [Statement filed in prior application, Status still proper and desired (PTO/SB/09-12)]
	14. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)
	15. <input type="checkbox"/> Other: _____

* NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: _____

Prior application information: Examiner _____ Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label (Insert Customer No. or Attach bar code label here) or ☒ Correspondence address below

Name	Peter Dilworth				
Address	DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd.				
City	Uniondale	State	New York	Zip Code	11553
Country	US	Telephone	(516) 228-8484	Fax	(516) 228-8516

Name (Print/Type)	Glenn D. Smith	Registration No. (Attorney/Agent)	42,156
Signature		Date	June 29, 2000

CERTIFICATION UNDER 37 C.F.R. § 1.8(a) I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service as first class mail, postpaid in an envelope addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on June 29, 2000.

Dated: June 29, 2000

Glenn D. Smith

Applicant or Patentee: Todd M. Boyce, et al.Serial or Patent No.: 0 / Not Yet AssignedFiled or Issued: SimultaneouslyFor: OSTEOGENIC IMPLANTS DERIVED FROM BONE

**VERIFIED STATEMENT CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN OSTEOTECH, INC.ADDRESS OF SMALL BUSINESS CONCERN 51 James Way, Eatontown, New Jersey 07724

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above, with regard to the invention described in

- ☒ the specification filed herewith.
- ☐ application serial no. _____, filed _____.
- ☐ patent no. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

Each such person, concern or organization having any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.
- ☐ Each such person, concern or organization is listed below.

FULL NAME _____

ADDRESS _____

- ☐ Individual ☐ Small Business Concern
☐ Nonprofit Organization

FULL NAME _____

ADDRESS _____

- ☐ Individual ☐ Small Business Concern
☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

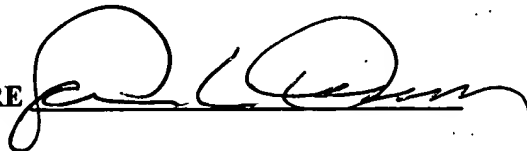
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING James Russell

TITLE OF PERSON IF OTHER THAN OWNER Executive Vice President, Chief Science Officer

ADDRESS OF PERSON SIGNING OSTEOTECH, INC., 51 James Way, Eatontown, New Jersey 07724

SIGNATURE



DATE

6/20/00

FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$) 565.00

Complete if Known

Application Number
Filing Date
First Named Inventor Todd M. Boyce et al.
Examiner Name
Group / Art Unit
Attorney Docket No. 285-118

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 04-1121

Deposit Account Name DILWORTH & BARRESE, LLP

- ☒ Charge Any Additional Fee Required
Under 37 CFR §§ 1.16 and 1.17

2. ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
		101	690	201	345	Utility filing fee	\$345.00
		106	310	206	155	Design filing fee	
		107	480	207	240	Plant filing fee	
		108	690	208	345	Reissue filing fee	
		114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) 345.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
40	-20** = 20	X \$9 = \$180	
3	-3** = 0	X \$39 = \$0	
Multiple Dependent		\$130 = \$0	

**or number previously paid, if greater; For Reissues, see below

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
		103	18	203	9	Claims in excess of 20	
		102	78	202	39	Independent claims in excess of 3	
		104	260	204	130	Multiple dependent claim, if not paid	
		109	78	209	39	** Reissue independent claims over original patent	
		110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 180.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
		105	130	205	65	Surcharge - late filing fee or oath	
		127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
		139	130	139	130	Non-English specification	
		147	2,520	147	2,520	For filing a request for reexamination	
		112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
		115	110	215	55	Extension for reply within first month	
		116	380	216	190	Extension for reply within second month	
		117	870	217	435	Extension for reply within third month	
		118	1,360	218	680	Extension for reply within fourth month	
		128	1,850	228	925	Extension for reply within fifth month	
		119	300	219	150	Notice of Appeal	
		120	300	220	150	Filing a brief in support of an appeal	
		121	260	221	130	Request for oral hearing	
		138	1,510	138	1,510	Petition to institute a public use proceeding	
		140	110	240	55	Petition to revive - unavoidable	
		141	1,210	241	605	Petition to revive - unintentional	
		142	1,210	242	605	Utility issue fee (or reissue)	
		143	430	243	215	Design issue fee	
		144	580	244	290	Plant issue fee	
		122	130	122	130	Petitions to the Commissioner	
		123	50	123	50	Petitions related to provisional applications	
		126	240	126	240	Submission of Information Disclosure Stmt	
		581	40	581	40	Recording each patent assignment per property (times number of properties)	\$40
		146	690	246	345	Filing a submission after final rejection (37 CFR § 1.129(a))	
		149	690	249	345	For each additional invention to be examined (37 CFR § 1.129(b))	

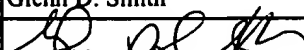
Other fee (specify) _____

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 40.00

SUBMITTED BY

Name (Print/Type) Glenn D. Smith
Signature 

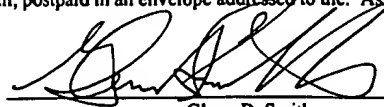
Registration No. 42,156
(Attorney/Agent)

Complete (if applicable)

Telephone (516) 228-8484
Date June 29, 2000

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Dated: June 29, 2000


Glenn D. Smith

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